

REMARKS

Claims 1-44 remain pending in the application.

Allowed Claims 26-44

The Applicants thank the Examiner for the indication that claims 26-44 are allowed.

Claims 1-5, 8-15, 17-22, 24 and 25 over Smock in view of Bull

Claims 1-5, 8-15, 17-22, 24 and 25 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 6,377,668 to Smock et al. ("Smock") in view of U.S. Pat. No. 6,498,841 to Bull et al. ("Bull"). The Applicants respectfully traverse the rejection.

Claims 1-5 and 8-11 recite an Internet communication module to send a personalized notification message recorded by a remote telephone user to a called-but-busy party via TCP/IP protocol over said Internet. Claims 12-15 and 17 recite notifying an Internet user through a personalized notification message recorded by a calling party and transmitted using TCP/IP protocol over the Internet indicating that the calling party is requesting access to the Internet user over the telephone line. Claim 18 recites sending an Internet user a personalized message recorded by a calling party via TCP/IP protocol over the Internet. Claims 19-22 and 24 recite means for notifying a user via TCP/IP protocol over the Internet that a calling party is requesting access to the Internet user over a telephone line through a personalized message recorded by the calling party.

Smock disclose a **CALL WAITING** method and apparatus to inform an online computer user of a presence of an incoming telephone call without disturbing an associated modem connection (Abstract). According to Smock, upon hearing the call waiting signal, the user may pick up the handset and answer the incoming telephone call, at which point the modem connection to the Internet is placed on hold. (Smock, Abstract)

Smocks call waiting signal originates at a central office, and is transmitted to the user over the telephone line. Smock's call waiting signal travels within the public switched telephone network (**PSTN**).

Smock fails to teach an Internet communication module to send a personalized notification message recorded by a remote telephone user to a called-but-busy party via TCP/IP protocol over the Internet, as variously cited by claims 1-5, 8-15, 17-22, 24 and 25. Rather, Smock merely teaches a call waiting signal.

The Examiner cites Bull for allegedly teaching a system that provides an enhanced call message for notifying a call waiting to a called-but-busy party, wherein the call message is spoken caller identification information (Office Action at 2-3).

Bull teaches a method for providing an enhanced call waiting signal. (Bull, title). Again, as was the case in Smock, Bull teaches the transmission of call waiting information over the **PSTN**.

Neither Smock nor Bull teaches or suggests an Internet communication module to send a personalized notification message recorded by a remote telephone user to a called-but-busy party via TCP/IP protocol over the Internet, as variously cited by claims 1-5, 8-15, 17-22, 24 and 25. Rather, Smock merely teaches a call waiting signal.

For at least all the above reasons, claims 1-5, 8-15, 17-22, 24 and 25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 7, 16 and 23 over Smock in view of Bull and Bajzath

Claims 6, 7, 16 and 23 were rejected under 35 USC 103(a) as allegedly being obvious over Smock and Bull, and further in view of U.S. Pat. No. 6,144,644 to Bajzath ("Bajzath"). The Applicants respectfully traverse the rejection.

Claims 6 and 7 recite an Internet communication module to send a personalized notification message recorded by a remote telephone user to a called-but-busy party via TCP/IP protocol over said Internet. Claim 16 recites

notifying an Internet user through a personalized notification message recorded by a calling party and transmitted using TCP/IP protocol over the Internet indicating that the calling party is requesting access to the Internet user over the telephone line. Claim 23 recites means for notifying a user via TCP/IP protocol over the Internet that a calling party is requesting access to the Internet user over a telephone line through a personalized message recorded by the calling party.

As discussed herein above, neither Smock nor Bull teaches or suggests an Internet communication module to send a personalized notification message recorded by a remote telephone user to a called-but-busy party via TCP/IP protocol over the Internet, as variously cited by claims 1-5, 8-15, 17-22, 24 and 25. Rather, Smock merely teaches a call waiting signal.

The Examiner cites Bajzath for allegedly teaching a notification message sent to an Internet user and displayed on the Internet user's computer terminal (Office Action at 7).

Bajzath teaches use of a call waiting Internet server, and the transmission of CALL WAITING information to the Internet user. (Bajzath, Abstract) Bajzath in fact teaches away from the present invention by teaching that the caller has an option of leaving a voice mail message in a voice mailbox of the user, presumably at the PSTN central office. Thus, such a voice message would be transmitted via PSTN--not via TCP/IP protocol over the Internet to the user, as claimed by claims 6, 7, 16 and 23.

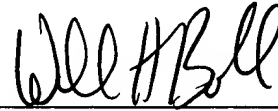
Neither Smock, Bull or Bajzath teaches or suggest a caller **recording** a **personalized** notification message that is transmitted to the called-but-busy party via TCP/IP protocol over the Internet, as claimed by claim 6, 7, 16 or 23.

Accordingly, for at least all the above reasons, claims 6, 7, 16 and 23 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Will H Bollman', written over a horizontal line.

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